

Campaign

John G. Barisone, City Attorney
City of Santa Cruz
Dated February 14, 2002
Our File Number: I-01-201

Angie Zimmerman, Secretary-Treasurer
El Dorado Hills Incorporation Committee
Dated February 5, 2002
Our File Number: A-01-204

Trent J. Benedetti, CPA
California Legislature
Dated February 11, 2002
Our File Number: A-01-222

C. April Boling, CPA
California Assembly
Dated February 20, 2002
Our File Number: A-01-223

Larry Walker
Larry Walker Auditor Committee
Dated February 8, 2002
Our File Number: A-01-302

Gene H. Kezirian, Treasurer
Phil Larson for Supervisor
Dated February 8, 2002
Our File Number: A-02-004

Craig McGlynn
Digiphi Media Group
Dated February 25, 2002
Our File Number: I-02-023

Lance H. Olson
California Conservation Campaign
Dated February 21, 2002
Our File Number: A-02-029

The city's proposed revisions to its local voluntary campaign expenditure ordinance, which would introduce a campaign contribution limitation component to the ordinance, is not generally, inconsistent with the Act.

A committee seeking the right to vote for city incorporation through the LAFCO process must file its Statement of Organization (Form 410) within 10 days of receiving contributions totaling \$1,000 or more in a calendar year, but the 10-day filing period does not begin to run until the necessary legislative body approves the placement of the incorporation issue on the ballot.

This letter discusses the campaign reporting obligations for candidates whose elections have changed due to redistricting.

The proceeds of a loan made to a candidate by a commercial lending institution for which the candidate is personally liable, which the candidate then lends to his or her campaign, do not count toward the \$100,000 loan limit of Government Code § 85307(b). Several other issues related to section 85307 and regulation 18530.8 are also addressed.

This letter advises on the proper procedures for reporting receipts from a joint fundraiser.

A candidate running in two elections on the same day for two seats on the board of supervisors is not required to apportion expenditures between his two committees, if he chooses to run a single campaign through just one of the two committees.

The Act and Commission regulations do not currently prescribe special rules for slate mailers disseminated through electronic media. If materials disseminated on a CD-ROM meet the criteria of "slate mail," the sender must comply with the Act's conventional filing and disclosure requirements.

Under the facts presented, the California Conservation Campaign committee, newly formed to support a variety of ballot measures over time, but currently supporting only Proposition 40 on the March 5, 2002 ballot, may register as a general purpose committee.

<p>Duane Diciara Mark Wyland for Assembly Dated February 26, 2002 Our File Number: I-02-040</p> <p>John A. Ramirez California Assembly Dated February 26, 2002 Our File Number: A-02-041</p>	<p>The letter discusses the Proposition 34 contribution limits from state candidates to other state candidates (section 85305), and from state candidates to PACs (section 85303(a)). In addition, it discusses contributions from an incumbent to an independent expenditures PAC, in light of sections 85501 and 82016.</p> <p>Pursuant to Government Code § 85305, a candidate for state Assembly running in the November 2002 election may make a maximum contribution of \$3,000 to a candidate running for governor in the November 2002 election.</p>
Conflicts of Interest	
<p>Steven T. Mattas City of Milpitas Dated February 20, 2002 Our File Number: A-01-290</p> <p>Scott C. Smith Santee City Council Dated February 11, 2002 Our File Number: I-01-294</p> <p>Diane Smith Yucaipa City Council Dated February 8, 2002 Our File Number: I-02-006</p> <p>Dave Larsen Town of Loomis Dated February 5, 2002 Our File Number: A-02-009</p>	<p>If, after applying the appropriate materiality standards, there will be no reasonably foreseeable material financial effect on a public official's economic interests in his estranged wife's business, he may participate in the governmental decision regarding a proposed specific plan for an area that is located more than 500 feet from the business.</p> <p>A holdover tenant does not have an economic interest in real property on which her business is located.</p> <p>The requestor seeks advice regarding acceptance of employment, paid by a 501(c)(3) non-profit foundation. The requestor, a member of both the city council and redevelopment agency, seeks advice whether being a public official will impact on the 501(c)(3) foundation's fundraising activity within the public official's jurisdiction. A brief discussion of controlled committees, with regard to the charitable foundation being construed as the candidate's controlled committee.</p> <p>A payment from a losing plaintiff to a law firm in settlement of attorney fees and costs did not under these facts make the plaintiff a source of income to a council member who was a defendant in the lawsuit. A planning commissioner does not have a source of income in individuals who are a source of income to her spouse's law firm because her spouse has less than a 10 percent ownership interest in the firm.</p>

<p>George Luna, Councilman City of Atascadero Dated February 26, 2002 Our File Number: A-02-018</p>	<p>This is a request for advice concerning conflict of interest. An Atascadero city council member's spouse serves as an unpaid member of the board of a local historical society. The historical society and its board members, individually, are named among others as defendants in a claim filed against the city. The council member is advised that he has a disqualifying conflict of interest and must recuse himself from decisions of the city council concerning the claim and litigation arising from the claim.</p>
<p align="center">Conflict of Interest Code</p>	
<p>Sue Vannucci, City Clerk City of Woodland Dated February 7, 2002 Our File Number: I-01-298</p> <p>Stephen J. Kaufman California Climate Action Registry Dated February 4, 2002 Our File Number: A-01-303</p> <p>Denese Matthes, Director Boulder Creek Recreation & Park District Dated February 6, 2002 Our File Number: I-02-010</p>	<p>If a commission has decision-making authority, its members are public officials and should be designated in the agency's conflict of interest code. Being designated in the agency's conflict of interest code will require commission members to file SEIs.</p> <p>Under the <i>Siegel</i> test, the California Climate Action Registry is a state agency under the Act and is required to adopt a conflict of interest code.</p> <p>The requestor seeks advice on voting procedures under the Public Resource Code sections 5782.16 and 5782.17. These codes are outside the jurisdiction of the Political Reform Act, and informal assistance was provided.</p>
<p align="center">Lobbying</p>	
<p>Scott M. Lay Community College League of California Dated February 1, 2002 Our File Number: I-01-045</p>	<p>This informal advice letter discusses generally, the prohibition on lobbyist contributions.</p>
<p align="center">Revolving Door</p>	
<p>Elyssa Wong Legislative Council Secretariat-Hong Kong Dated February 4, 2002 Our File Number: G-02-020</p> <p>Carl Washington, Assemblyman California Legislature Dated February 11, 2002 Our File Number: A-02-034</p>	<p>A general inquiry regarding whether there are any restrictions in the PRA that would prohibit former members of government from accepting compensated appointments to public office positions.</p> <p>Section 87407's prohibition on making a governmental decision that will directly affect an entity with which a state officer or employee has an arrangement concerning prospective employment does not apply to an assemblyman whose prospective employer is a California community college. Regulation 18747(d)(3) specifically states that the prohibition does not apply if the prospective employer is a state, local or federal government agency.</p>

SEI	
Grace Johnson City of Cupertino Dated February 13, 2002 Our File Number: I-01-301	Only individuals holding positions listed in an agency's conflict of interest code are required to complete a statement of economic interests. Public officials who make or participate in the making of a governmental decision should be included in an agency's conflict of interest code.